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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,393	12/28/2000	Ji-Young Kim	678-580 (P9655)	9536

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EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,393

Applicant(s)

KIM, JI-YOUNG

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks et al ("Parks", USP 5877746) and Finke-Anlauff ("Finke-Ankauff", USP 5479476)

Regarding claims 1 and 8, Parks teaches the creating a user-customized menu in a telephone having a menu table in which service menus for a user are stored in association with corresponding indexes (Fig. 8), the method comprising the steps of upon receipt of a user-customized menu creating key, switching an operating mode of the radio telephone to a user-customized menu creating mode (col 9, lines 26-29); receiving a user-customized menu index in the user-customized menu creating mode (col 17, lines 44-46); col 18, lines 14-22); after receiving the user-customized menu index, receiving a menu index to be set as menu contents in the user-customized menu index (col 18, lines 14-22); and after receiving the menu index, storing the menu index in association with the user-customized menu index (col 18, lines 22-26). Parks differs from the claim in that Parks does not teach that menu the customization can be applied for portable radio phone. However, such feature is known in the art as taught by Finke-Anlauff. Specifically, Finke-Anlauff teaches mobile telephone having groups of user adjustable operating characteristic which comprises the user customization of

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telephone features from a menu (Fig. 3, col 2, lines 6-13). It would have been obvious to one of ordinary skill in the art, having the teaching of Parks and Finke-Anlauff before him at the time the invention was made, to apply the method for phone menu customization taught by Parks to the mobile phone taught by Finke-Anlauff with the motivation being to enable the user to easily and conveniently customize the mobile phone menu.

Regarding claim 2, Parks teaches that said menu index is a service menu index stored in the menu table (Fig. 8).

Regarding claim 3, Parks teaches the displaying a message for requesting the user to input a desired user-customized menu index after switching the operating mode of the portable radio telephone to the user customized menu creating mode (col 18, lines 54-55).

Regarding claim 4, Parks teaches the displaying a message for requesting the user to input a menu index desired to be input as menu contents in association with the received user-customized menu index (col 18, lines 54-55).

Regarding claim 5, Parks teaches the creating a user-customized menu in a telephone having a menu table in which service menus for a user are stored in association with corresponding indexes (Fig. 8), the method comprising the steps of upon receipt of a user-customized menu creating key, switching an operating mode of the radio telephone to a user-customized menu creating mode (col 9, lines 26-29); displaying a message for requesting the user to input a desired user-customized menu index (col 18, lines 54-55); receiving a user-customized menu index (col 17, lines 44-46; col 18, lines 14-22); displaying a message for requesting the user to input a

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menu index desired to be input as menu contents to be stored in the received user-customized index (col 18, lines 54-55), after displaying the menu index input request message, receiving a menu index from the user (col 18, lines 14-22); storing the received menu index in association with the user-customized menu index (col 18, lines 22-26). Parks differs from the claim in that Parks does not teach that menu the customization can be applied for portable radio phone. However, such feature is known in the art as taught by Finke-Anlauff. Specifically, Finke-Anlauff teaches mobile telephone having groups of user adjustable operating characteristics which comprises the user customization of telephone features from a menu (Fig. 3, col 2, lines 6-13). It would have been obvious to one of ordinary skill in the art, having the teaching of Parks and Finke-Anlauff before him at the time the invention was made, to apply the method for phone menu customization taught by Parks to the mobile phone taught by Finke-Anlauff with the motivation being to enable the user to easily and conveniently customize the mobile phone menu.

Regarding claim 6, Parks teaches that the menu index is an index of a service menu previously stored in the portable radio telephone (col 17, lines 64-67).

Regarding claims 7 and 9, Parks teaches the releasing the user-customized menu creating mode after storing the menu index in association with the user-customized menu index (col 6, lines 12-15).

3. Applicant's arguments filed 11/17/03 are fully considered but they are not persuasive.

In response to Applicant's argument that "Park does not describe a method for a portable radio telephone having a menu table in which service menus for a user are

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stored in association with corresponding indexes", it is noted that such is not quite the case. Park does not explicitly use the word "index", however, "suboptions" in Park teaching are equivalent to "indexes" of the claims. Furthermore, Applicants argue that Park teaching "does not include either the "Main Menu Index" or the "Sub-Menu Index", it is noted that this language is not found in the claim.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Main Menu Index" or the "Sub-Menu Index") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that "Park does not describe switching an operating mode of the portable radio telephone to user-customized menu creating mode", it is noted that such is not quite the case since text of lines 26-29 of column 9 shows that Park's Phone feature has "mode which allow the user to customize various aspect of the selected feature",

In response to Applicant's argument that "Park, however, fails to disclose a mode selection for storing a predetermined menu index", it is noted that such is not quite the case. As presented above, Park teaches a mode selection. Furthermore, text of lines 43-46 of column 17 shows that Park teaches the customizing menus based on an existing menu index.

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In response to Applicant's argument that Park does not discuss that "in order to simplify an index relative to menus frequently used a user...", it is noted that this specific limitation is not cited in the claims.

Parks differs from the claim in that Parks does not teach that menu the customization can be applied for portable radio phone, therefore, Finke-Ankauff is cited to teach this feature.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

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(703)-872-9306

and / or:


(703)-746-5639 (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

01/21/04



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100